UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS – HOUSTON DIVISION

CHRISTIAN CEPHUS *Plaintiff* V. KROGER DEDICATED LOGSITICS CO., PLATINUM DRIVERS S, INC. and SAMUEL MACK *Defendants*	§ § § § § § § § §	Civil Action No. 4:16-cv-03255

MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW PLAINTIFF in the above-styled cause and files this motion to dismiss this cause without prejudice to the re-filing of the same and would respectfully show the Court as follows:

During the course of discussions between counsel, Plaintiff counsel was made aware by Defense counsel that Samuel Mack—the defendant driver—was a borrowed employee from a company called Platinum Drivers. Platinum Drivers is a Texas corporation. On March 1, 2017, Plaintiff amended his complaint to include claims against Platinum Drivers, thus destroying diversity of citizenship and effectively depriving this Court of jurisdiction. Plaintiff was unable to obtain a stipulation of dismissal from Defendant Kroger, and therefore moves for dismissal of this cause without prejudice under Federal Rule of Civil Procedure 41(a)(2).

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2017, the foregoing was served upon the persons identified below in accordance with the Federal Rules of Civil Procedure.

VIA DC CM/ECF
Adraon D. Green
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Brenna L. Sanchez